IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1223 of 2000

with

CIVIL REVISION APPLICATION No 1343 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHIPATBHAI R SHAH

Versus

BLUE CHIP STOCK SPIN LTD.

Appearance:

1. Civil Revision Application No. 1223 of 2000
   MR SANJAY M AMIN for Petitioner No. 1
   MR MB GANDHI for Respondent No. 1
   MRS TRUSHA M GANDHI for Respondent No. 1
   RULE NOT RECD BACK for Respondent No. 1
2. Civil Revision Application No. 1343 of 2000
   MR MB GANDHI for Petitioner No. 1
   ..... for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 08/03/2004

ORAL JUDGEMENT

These are two cross revisions filed by the plaintiff as well as the defendant of Summary Suit No.2245/1997. The petitioner of Civil Revision Application No.1223/2000 is the original defendant of that suit and the respondent is the original petitioner, who has filed that suit to recover certain amount. In the said suit, conditional leave was granted by the trial court to defend the suit and Rs.3 lacs were ordered to be deposited as a condition precedent to defend the suit.

2) The impugned order by which conditional leave was granted by the trial Court is an interlocutory order and, therefore, this revisions are not maintainable, in view of the amendment in Section 115 of C.P.C. Accordingly, both these Civil Revision Applications are rejected, as not maintainable. It is clarified that if the petitioners want to challenge the impugned order by filing a petitioner under Article 227 of the Constitution of India, it will be open for them to do so, if they so desires.

3) Accordingly, both these Civil Revision Applications are disposed of. Rule is discharged in Civil Revision Application No.1223/2000. Interim relief stands vacated. No costs.

(P.B.Majmudar,J.)

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